

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING

OF
TUESDAY, APRIL 19, 1983
AT 8:30 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Cleator at 9:35 a.m. The meeting was recessed by Deputy Mayor Cleator at 12:01 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Deputy Mayor Cleator at 2:06 p.m. with Council Members Jones and Struiksma not present. Deputy Mayor Cleator adjourned the meeting at 3:27 p.m. into Closed Session in the twelfth floor conference room regarding pending litigation and meet and confer matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor-vacant.
 - (1) Council Member Mitchell-present.
 - (2) Council Member Cleator-present.
 - (3) Council Member McColl-present.
 - (4) Council Member Jones-present.
 - (5) Council Member Struiksma-present.
 - (6) Council Member Gotch-present.
 - (7) Council Member Murphy-present.
 - (8) Council Member Martinez- present.
- Clerk-Mutascio (bb a.m.; mp p.m.)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Mutascio called the roll:
Mayor-vacant.
Council Member Mitchell-present.
Council Member Cleator-present.
Council Member McColl-present.
Council Member Jones- present.
Council Member Struiksma-present.
Council Member Gotch- present.
Council Member Murphy-present.
Council Member Martinez- present.

ITEM-330: (R-83-1011) ADOPTED AS RESOLUTION R-258290

(Continued from the meetings of December 14, 1982, February 8, 1983 and March 29, 1983; last continued at the City Manager's request.)

Considering the protests, ordering the district formed, confirming the assessment and ordering the proposed maintenance, in the matter of the Bay Terraces Landscape Maintenance District, Area 5, under Resolution of Intention R-257512, adopted on November 22, 1982.

(Paradise Hills Community Area. District-4.)

CITY MANAGER REPORT:

At a public hearing on December 14, 1982, the City Council considered the formation of the Bay Terraces Landscape Maintenance District, consisting of six separate areas within the community for which maintenance services were to be provided through assessments to benefitting properties. Areas 1 and 2 were successfully formed as the Bay Terraces Landscape Maintenance District. Areas 3, 4 and 6 contain open-space sites and, as a result of majority protests, were abandoned. Area 5, also an open-space site, had a majority protest of 60 percent of the area. The 60 percent protest consisted of two large parcels of land, zoned for multi-family use, which were included in the proposed assessment area because of the benefit they would receive from the proposed maintenance. The other 48 parcels in the proposed assessment area are all occupied by single-family dwellings and had submitted a petition to the City Council in August, 1982 requesting the formation of the assessment area. The City Council accepted the petition which contained the signatures of the owners of 31 of the 48 parcels. While the signatures represented 62 percent of the number of parcels, it represented only 28 percent of the total area.

During the public testimony on December 14, a resident of Area 5 requested that the Council delay their decision with respect to Area 5 so that a new petition could be circulated to determine the amount of support for including Area 5 in the maintenance district. If Area 5 is included in the maintenance district, Genstar, Inc. will donate the open-space site to the City and contribute \$9,000 for its rehabilitation. The estimated FY'84 assessment for maintenance of the site is \$50.23 for single-family residences. If Area 5 is abandoned, the parcel will be subdivided into R-1-5 lots, and single-family residences would be constructed.

FILE LOCATION:

STRT M-65

COUNCIL ACTION: (Tape location: C561-D037).

Hearing began at 11:35 a.m. and halted at 11:40 a.m.

Testimony in favor by James Harper.

MOTION BY JONES TO ADOPT. Second by McColl. Passed by the

following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmay-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-331: SUBITEM A, C, D, AND E CONTINUED TO APRIL 26, 1983, 9:00 A.M.
WITH INTRODUCTION OF SUBITEM B AS AMENDED

19830419

Matters of:

1) Rezoning portions of Pueblo Lots 1316, 1317, 1318, 1321 and 1351, Miscellaneous Map-36 (approximately 233 acres), located west and adjacent to I- 805, south of the AT&SF Railroad right-of-way and generally north of Eastgate Mall, in the University Community Plan area, from Zone R-1-5 (portions HR) to Zones M-LI and SR.

(Case-5-81-106.)

2) Two appeals of La Jolla Mesa Estates, Playmor La Jolla and Genesee Vista Homeowners Associations, by Norma Carey, Representative, from the decision of the Planning Commission in approving a) Planned Industrial Development Permit PID-82-0172 which proposes a 16-lot industrial park development and b) Tentative Map TM-82-0172 (Eastgate Technology Park) which proposes the subdivision located on the above described real property.

(PID and TM-82-0172. District-1.)

(Planning Department recommended approval of M-LI and SR Zoning, the permit and the map; was opposition. Planning Commission voted 6-0 to approve M-LI and SR Zoning subject to the recordation of a final subdivision map or maps within two years, the permit and the map with a modification.)

Today's actions are:

Subitem-A: (R-83-688)

Adoption of a Resolution certifying that the information contained in Environmental Impact Report EIR-81-12-31 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council.

Subitem-B: (O-83-96) ORDINANCE INTRODUCED AS AMENDED, TO BE ADOPTED MAY 2, 1983

Introduction of an Ordinance for M-LI and SR Zoning.

Subitem-C: (R-83-)

Adoption of a Resolution granting the appeal and denying the

permit, or denying the appeal and granting the permit with appropriate findings to support Council action.

Subitem-D: (R-83-)

Adoption of a Resolution granting the appeal and denying the map, or denying the appeal and granting the map with appropriate findings to support Council action.

Subitem-E: (R-83-)

Adoption of a resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with Environmental Impact Report EIR-81-12-31.

FILE LOCATION: Subitem-A,C,E PERM PID-82-0172; Subitem-D SUBD Eastgate Tech. Park

COUNCIL ACTION: (Tape location: A006-417 and A426-C560).

Hearing began at 9:38 a.m. and recessed at 10:02 a.m.

Hearing resumed at 10:05 a.m. and halted at 11:35 a.m.

Testimony in favor of appeal by Norma Carey, Dr. William Coulbourn, and Steve Sander.

By common consent the rules were suspended and time for testimony was extended 5 minutes.

MOTION BY MITCHELL TO CONTINUE SUBITEMS A, C, D, AND E TO APRIL 26, 1983, AT 9:00 A.M. AND INTRODUCE SUBITEM B AS AMENDED WITH THE CONDITIONS THAT THE MAP AND PERMIT REFLECT 1) LOTS 1 THROUGH 4

ARE

TO BE SR ZONING; 2) LOTS 12 THROUGH 15 ARE TO BE MLI ZONING; 3) TO HAVE A 100 FOOT STRIP ON THE WEST SIDE OF THE SUBDIVISION AS A LANDSCAPE BUFFER WHERE NO PARKING IS ALLOWED, AND 4) IMPLEMENT GRADING PLAN C. Second by Struiksmas. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksmas-yea, Gotch-yea, Murphy-yea, Martinez-nay, Mayor-vacant.

ITEM-332: (O-83-161) INTRODUCED, TO BE ADOPTED MAY 2, 1983

Introduction of an Ordinance amending Chapter 2, Article 3 of the San Diego Municipal Code by amending Section 23.0505 (Rule IV, Section 5 of the Rules of the Civil Service Commission) relating to reinstatement requests as follows:

Sec. 23.0505 Reinstatement Requests (Rule IV, Section 5 of the Rules of the Civil Service Commission)

Reinstatement to an eligible list may be done under the following conditions:

(1) Any employee who has served satisfactorily and presently fulfills the minimum requirements for the classification, and

who, without fault or delinquency on his/her part, resigns or demotes from his/her position, may request reinstatement to the eligible list for any class in which such service was rendered, and/or to the eligible list for a comparable or lower class in the same occupational group.

(2) Any employee who has served satisfactorily and is demoted, reduced in status, or terminated as part of an official layoff may request reinstatement to the eligible list for any class in which such service was rendered and for any comparable or lower class for which the employee meets the minimum requirements at the time of layoff.

(3) The request for reinstatement may be made immediately upon demotion, reduction in status, resignation, or termination and must be made within two (2) years from the date of such action.

(4) The Commission shall, in its discretion, grant or deny such request. If the request is granted, the person's name shall be placed on such eligible list, and shall be certified according to Civil Service Rule VI. The length of eligibility shall be determined by the Commission, but shall not exceed two (2) years.

(5) If no appropriate eligible list exists, anyone granted reinstatement under this rule shall have the same eligibility as though there were such a list. After the expiration of the eligible list on which there is a reinstated name, such name shall continue to have eligibility until the completion of the prescribed period, provided that within such period it shall be placed on succeeding eligible lists for the same class or position.

FILE LOCATION:

COUNCIL ACTION: (Tape location: E452-485).

Hearing began at 2:39 p.m. and halted at 2:40 p.m.

MOTION BY MURPHY TO CLOSE THE HEARING AND INTRODUCE THE ORDINANCE. Second by Martinez. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl- yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-333: (R-83-1063) ADOPTED AS RESOLUTION R-258291

(Continued from the meetings of March 1, 1983 and March 29, 1983; last continued at the City Manager's request.)

Designating "Fairbanks Country Club Reorganization", which was annexed to the City of San Diego by Resolution R-257785, adopted January 11, 1983, to be added to the San Diego Open Space Park Facilities District No. 1.

(District-1.)

CITY MANAGER REPORT:

The reorganization public hearing to annex to the City of San Diego the territory described above was held on January 11, 1983. It is appropriate to annex this territory to the San Diego Open Space Park Facilities District No. 1 as the boundaries are coterminous with those of the City of San Diego.

FILE LOCATION:

ANNX Fairbanks Country Club Reorganization

COUNCIL ACTION: (Tape location: D038-051).

Hearing began at 11:41 a.m. and halted at 11:43 a.m.

MOTION BY STRUIKSMA TO ADOPT. Second by Jones. Passed by the following vote: Mitchell-nay, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch- nay, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-334: CONTINUED TO JUNE 28, 1983

Matter of the appeal of Thomas P. Whisler from the decision of the Planning Commission in denying Tentative Map TM-82-0646, which proposes a two-lot division of Lot 2, Princess View Gardens, Unit No. 1, Map-5200. The subject property is located on the west side of Princess View Drive, between Waring Road and Mission Gorge Road, in the R-1-5 Zone and within the boundaries of the Navajo Community Plan.

(TM-82-0646. District-7.)

(Planning Department recommended denial of the map; was opposition. Planning Commission voted 4-3 to deny the map.)

(R-83-)

FILE LOCATION:

SUBD Lot 2, Princess View Gardens, Unit No. 1, Map-5200

COUNCIL ACTION: (Tape location: D052-410;E010-027).

Hearing began at 11:44 a.m. and recessed at 12:01 p.m. Hearing resumed at 2:06 p.m. and halted at 2:09 p.m.

Testimony in favor of the appeal by Thomas P. Whisler, Bernice Walker, Bette Booth, Gladys Peters, and Bozo Podunavac.

Testimony in opposition by Rick McHone and William T. Olive.

Motion by Murphy to grant appeal and permit dividing of Lot 2. Second by Martinez. No vote.

Motion by Murphy to continue the hearing at 2:00 p.m. Second by Martinez. Passed. Yeas: 1,2,3,4,5,6,7,8. Vacant: Mayor.

MOTION BY MURPHY TO CONTINUE FOR TEN WEEKS TO ALLOW TIME FOR THE OWNER OF THE PROPERTY TO SUBMIT A MINIMAL PRD ON THE PROJECT WHICH WILL SPECIFY THE LOCATION OF THE HOUSE AND THE GARAGE AND THE

DRIVEWAY AND A FEW OTHER THINGS THAT WERE MENTIONED, AND
THAT AT
THAT TIME THE COUNCIL WILL VOTE ON THE LOT SPLIT AS WELL AS THE
PRD.

Second by Gotch. Passed by the following vote: Mitchell-yea,
Cleator-yea, McColl-yea, Jones-not present, Struiksma-not present,
Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-S500:

19830419

(Continued from the meeting of April 12, 1983 at Council
Member Martinez's request.)

1) Rezoning a portion of Section 28, Township 18 South,
Range 2 West, S.B.B.M. (approximately 6.2 acres), located at
the southeast intersection of Palm Avenue and 19th Street from
Zone R-2 (Flood Plain Fringe Overlay) to Zone R-2A, in the Otay
Mesa-Nestor Community Plan area.

(Case-82-0510. District-8.)

2) Proposed amendment to the Otay Mesa-Nestor Community
Plan to incorporate the redesignation of the above described
real property from low-medium density residential use to medium
density residential use.

3) Proposal to amend the Progress Guide and General Plan
for the City of San Diego - to amend the map concerning that
portion covered by the proposed amendment to the Otay
Mesa-Nestor Community Plan.

(Planning Department recommended denial of R-2A Zoning
because it was not accompanied by a Planned Residential
Development permit as recommended in the community plan
amendment; was opposition.

Planning Commission voted 5-1 to approve R-2A Zoning, with
the direction that the rezoning not proceed to Council until
the Planning Director had acted upon a PRD, with the rezoning
subject to recordation of a final subdivision map or maps
within three years. If the rezoning is considered without the
condition relating to the permit, the Planning Department and
Planning Commission would recommend denial of the R-2A Zoning.)

The applicant has requested that the rezoning and plan
amendment proceed to Council without the PRD.

Today's actions are:

Subitem-A: (R-83-1439) ADOPTED AS RESOLUTION R-258292

Adoption of a Resolution certifying that the information

contained in Mitigated Environmental Negative Declaration
END-82-0510 has been completed in compliance with the
California Environmental Quality Act of 1970 and State
guidelines, and that said declaration has been reviewed and
considered by the Council.

Subitem-B: (O-83-194) CONTINUED INDEFINITELY

Introduction of an Ordinance for R-2A Zoning.

Subitem-C: (R-83-1473) ADOPTED AS RESOLUTION R-258293

Adoption of a Resolution approving the community plan
amendment to be effective when the amendment to the General
Plan Map is adopted after a hearing on or about June 28, 1983.

FILE LOCATION: Subitem-A and C LAND Otay Mesa - Nestor Comm. Plan

COUNCIL ACTION: (Tape location: E031-449).

Hearing began at 2:09 p.m. and halted at 2:39 p.m.

Testimony in favor by Syd Xinos and Jack Guttman.

Testimony in opposition by Ruth Schneider and William A. Johnson.

MOTION BY MARTINEZ TO CLOSE THE HEARING, ADOPT SUBITEM-A AND
SUBITEM-C AND CONTINUE SUBITEM-B INDEFINITELY. Second by Gotch.

Passed by the following vote: Mitchell-yea, Cleator-yea,
McColl-yea, Jones-yea, Struiksma-not present, Gotch-yea, Murphy-yea,
Martinez-yea, Mayor-vacant.

ITEM-S501:

19830419

(Continued from the meetings of March 22, 1983 and April 12,
1983; last continued at the City Manager's request.)

Five actions relative to the Alta Vista Annexation Water and
Sewer System, Assessment District No. 3960, under Resolution of
Intention R-257951, adopted February 14, 1983. (Municipal
Improvement Act of 1913):

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-83-1404) ADOPTED AS RESOLUTION R-258294

Ordering changes and modifications in proceedings and
assessments in an assessment district pursuant to the Municipal
Improvement Act of 1913, Division 12 of the Streets and
Highways Code of the State of California.

Subitem-B: (R-83-1405) ADOPTED AS RESOLUTION R-258295

Overruling and denying protests and making certain findings
in a special assessment district.

Subitem-C: (R-83-1406) ADOPTED AS RESOLUTION R-258296

Finding and determining that the public interest, convenience and necessity require certain acquisition and improvements, and that the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 shall not apply.

(8 votes required)

Subitem-D: (R-83-1407) ADOPTED AS RESOLUTION R-258297

Confirming the assessment and ordering the improvements made, together with appurtenances, and approving the City Engineer's report.

Subitem-E: (R-83-1408) ADOPTED AS RESOLUTION R-258298

Accepting proposal and making award of sale of bonds, and providing for the establishment of a redemption fund for the payment of said bonds.

FILE LOCATION: STRT D-2189

COUNCIL ACTION: (Tape location: E495-F056).

Hearing began at 2:41 p.m. and halted at 2:55 p.m.

Testimony in favor by H. O'Connell.

MOTION BY JONES TO CLOSE THE HEARING AND ADOPT SUBITEMS A THROUGH

E. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-S502: (O-83-206) INTRODUCED, TO BE ADOPTED MAY 2, 1983

(Continued from the meeting of April 12, 1983 at the City Manager's request.)

Introduction of an Ordinance creating a cost recovery district within the Alta Vista Water and Sewer Assessment District, Assessment District No. 3960. (Municipal Improvement Act of 1913).

(See City Manager Report CMR-83-128. Southeast San Diego Community Area. District-4.)

FILE LOCATION:

STRT D-2189

COUNCIL ACTION: (Tape location: F059-089).

MOTION BY JONES TO INTRODUCE THE ORDINANCE. Second by Gotch.

Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-S503: (R-83-1554 Rev.) ADOPTED AS RESOLUTION R-258299

Authorizing the City Manager to file an Urban Development Action Grant Application with the United States Department of Housing and Urban Development (HUD), under Section 119 of Title I of the Housing and Community Development Act of 1974, as amended, in an amount of \$4,800,000 for the purpose of obtaining an Urban Development Action Grant related to the renovation of the U. S. Grant Hotel; authorizing and directing the City Manager to take such actions as are reasonably necessary in connection with meeting the terms and conditions contained in such application and to provide such additional information as may be required; directing the City Manager to take the necessary action to initiate the ordinance and resolution to appropriate and encumber General Revenue Sharing Funds as a 20 percent local match of \$1,200,000 to be provided in the form of a secured City loan, to be repaid to the City over as short a term as possible; directing the City Manager to seek the most favorable terms possible related to accelerated payback, interest return and security for both the City match and the Urban Development Action Grant in negotiations with HUD and the CDS Grant Corporation.

(See City Manager Report CMR-83-114 and PSS Committee Consultant Analysis PSS-83-14.)

COMMITTEE ACTION: Reviewed by PSS on 4/13/83. Recommendation to adopt the Resolution. Districts 1, 3, 4, 6 and 8 voted yea.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: F092-503).

MOTION BY JONES TO ADOPT THE RESOLUTION AND TO DIRECT THE CITY MANAGER TO REPORT TO THE PS&S COMMITTEE ON THE PROCEDURE THAT MIGHT

BE USED TO ALLOCATE UDAG REVENUES. Second by Martinez. Passed by the following vote: Mitchell- yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.

ITEM-UC-3: (R-83-1641) (2nd Rev.) ADOPTED AS RESOLUTION R-258300

A Resolution presented to the City Council with UNANIMOUS CONSENT:

Appointing Council Member McColl to the PF&R and T&LU Committees replacing Council Member Gotch who is vacating his position on the PF&R Committee and Council Member Murphy who is vacating his position on the T&LU Committee; appointing Council

Member Jones as Vice Chairman of the PF&R Committee replacing
Council Member Gotch.

FILE LOCATION:

MEET

COUNCIL ACTION: (Tape location: F530-550).

MOTION BY GOTCH TO ADOPT. Second by Mitchell. Passed by the
following vote: Mitchell-yea Cleator-yea Golding-yea Jones-yea
Struiksma-yea Gotch-yea Murphy-yea Martinez-yea Mayor-vacant.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Cleator at 3:27
p.m. into Closed Session in the twelfth floor conference room
regarding meet and confer and pending litigation matters.

FILE LOCATION:

MINUTES

COUNCIL ACTION: (Tape location: F550-555).

MOTION BY MITCHELL TO ADJOURN IN HONOR OF THE MEMORY OF
GREER W.

FERVER. Second by Jones. Passed by the following vote:
Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea,
Gotch-yea, Murphy-yea, Martinez-yea, Mayor-vacant.